

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Miriam Goldstein, individually and
on behalf of others similarly situated,

Case No. 22-cv-2750

Plaintiff,

**NOTICE OF REMOVAL
FEDERAL QUESTION**

v.

MRS BPO, LLC,

Defendant.

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, and 15 U.S.C. § 1692 *et seq.*, Defendant MRS BPO, LLC ("Defendant"), hereby gives notice of removal of this cause of action, under the caption *Miriam Goldstein v. MRS BPO, LLC*, from the Supreme Court of the State of New York, County of Orange ("State Court Action") to the United States District Court for the Eastern District of New York. In support of removal, Defendant, by and through its attorneys, states as follows:

1. On or about April 11, 2022, Defendant was served in this matter. A copy of the Complaint is attached as Exhibit 1.

2. This action is a civil action of which this Honorable Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b) in that it presents a federal question, wherein Plaintiff alleges violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.* This Court is the proper district for removal because the Supreme Court of the State of New

York, County of Orange is located within the jurisdiction of the United States District Court for the Eastern District of New York.

3. The undersigned is not aware of any other documents that have been filed in this matter.

4. Notice of this removal will be filed with the Supreme Court of the State of New York, County of Orange.

5. Plaintiff filed her Complaint in this matter, asserting various violations of the FDCPA because the itemization of the debt did not include any interest itemization. Plaintiff maintains in this matter that Defendant's letter was "misleading". (Pl. Compl. ¶¶ 52-56.) Plaintiff claims that Defendant's letter "affected and frustrated" her ability to respond to the collection attempts. (*Id.* ¶ 92.) Plaintiff alleges that the funds she would have used to pay some or all of this debt were spent elsewhere and therefore she was left with less fund with which to pay this debt, if it turned out the debt was owing. (*Id.* ¶¶ 81-82.) Plaintiff also claims to have suffered "emotional harm." (*Id.* ¶ 88.)

6. By virtue of this Notice of Removal of Action and the Notice filed in the Action, Defendant does not waive its rights to assert any personal jurisdictional defenses or file other pre-answer motions including Federal Rule of Civil Procedure 12 motions and/or motions to compel arbitration as permitted by the Federal Rules of Civil Procedure.

WHEREFORE, Defendant requests that further proceedings in the Supreme Court of the County of Orange, State of New York, be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of New York, which will then assume full jurisdiction over this cause of action.

Respectfully submitted,

Dated: May 11, 2022

By /s/ Michael T. Etmund
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2022, the foregoing document was filed with the Clerk of the Court and served via U.S. mail upon the following parties and participants:

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/s/ Michael T. Etmund
Michael T. Etmund